
By: **Senators Hogan, Currie, Miller, Frosh, Hollinger, Middleton, McFadden, DeGrange, Giannetti, Klausmeier, and Dyson** Dyson, Jones, Kasemeyer, Kramer, Lawlah, Munson, Ruben, Schrader, and Stoltzfus

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Assigned to: Rules

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Committee Report: Favorable with amendments

Senate action: Adopted

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CHAPTER _____

1 AN ACT concerning

2 **Higher Education - Tuition Affordability Act of 2006**

3 FOR the purpose of prohibiting, for a certain academic year, an increase in the tuition
 4 that may be charged to a resident undergraduate student at certain public
 5 senior higher education institutions in Maryland; ~~making this Act subject to a~~
 6 ~~certain contingency~~; limiting, for a certain academic year, an increase in the
 7 tuition that may be charged to a resident undergraduate student at a certain
 8 public senior higher education institution; establishing a Commission to
 9 Develop the Maryland Model for Funding Higher Education; providing for the
 10 composition of the Commission; providing for the appointment of the chairman
 11 of the Commission; requiring the Commission to review certain reports and
 12 options and make certain recommendations relating to the establishment of a
 13 consistent and stable funding mechanism to ensure accessibility and
 14 affordability at certain public institutions of higher education in Maryland;
 15 requiring the Commission to submit a certain report to the Governor and
 16 General Assembly on or before a certain date; providing for the staffing of the
 17 Commission; providing for the termination of a certain provision of this Act; and
 18 generally relating to tuition restrictions at certain public senior higher
 19 education institutions in the State.

20 BY adding to

21 Article - Education

22 Section 15-106.5

23 Annotated Code of Maryland

1 (2004 Replacement Volume and 2005 Supplement)

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
3 MARYLAND, That the Laws of Maryland read as follows:

4 **Article - Education**

5 15-106.5.

6 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
7 INDICATED.

8 (2) "ACADEMIC YEAR" MEANS THE PERIOD COMMENCING WITH THE
9 FALL SEMESTER AND CONTINUING THROUGH THE IMMEDIATELY FOLLOWING
10 SUMMER SESSION AT A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION.

11 (3) "GOVERNING BOARD" MEANS:

12 (I) THE BOARD OF REGENTS OF THE UNIVERSITY SYSTEM OF
13 MARYLAND; AND

14 (II) THE BOARD OF REGENTS OF MORGAN STATE UNIVERSITY.

15 (4) "PUBLIC SENIOR HIGHER EDUCATION INSTITUTION" HAS THE
16 MEANING STATED IN § 10-101(J)(1) AND (2) OF THIS ARTICLE.

17 (5) (I) "TUITION" MEANS THE CHARGES APPROVED BY THE
18 GOVERNING BOARD OF A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION THAT
19 ARE REQUIRED OF ALL UNDERGRADUATE RESIDENT STUDENTS BY THE
20 INSTITUTION AS A CONDITION OF ENROLLMENT REGARDLESS OF THE STUDENT'S
21 DEGREE PROGRAM, FIELD OF STUDY, OR SELECTED COURSES.

22 (II) "TUITION" DOES NOT INCLUDE:

23 1. FEES THAT ARE REQUIRED OF ALL UNDERGRADUATE
24 RESIDENT STUDENTS BY THE INSTITUTION AS A CONDITION OF ENROLLMENT
25 REGARDLESS OF THE STUDENT'S DEGREE PROGRAM, FIELD OF STUDY, OR SELECTED
26 COURSES;

27 2. FEES DEDICATED TO SUPPORT AUXILIARY ENTERPRISES
28 AND OTHER SELF-FUNDED ACTIVITIES OF A PUBLIC SENIOR HIGHER EDUCATION
29 INSTITUTION; OR

30 3. A FEE REQUIRED ONLY FOR ENROLLMENT IN A SPECIFIC
31 DEGREE PROGRAM, FIELD OF STUDY, OR COURSE WHEN THAT FEE IS NOT REQUIRED
32 OF UNDERGRADUATE RESIDENT STUDENTS AT THE PUBLIC SENIOR HIGHER
33 EDUCATION INSTITUTION FOR ENROLLMENT IN OTHER DEGREE PROGRAMS, FIELDS
34 OF STUDY, OR COURSES.

1 (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, FOR THE ACADEMIC
 2 YEAR BEGINNING IN THE FALL OF 2006 ONLY, A GOVERNING BOARD MAY NOT
 3 APPROVE, AND A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION MAY NOT
 4 IMPOSE, AN INCREASE IN THE TUITION CHARGED FOR AN ACADEMIC YEAR TO A
 5 RESIDENT UNDERGRADUATE STUDENT AT THE INSTITUTION OVER THE AMOUNT
 6 CHARGED FOR TUITION AT THE INSTITUTION IN THE PRECEDING ACADEMIC YEAR.

7 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect~~
 8 ~~contingent on:~~

9 ~~(1) the General Assembly restricting an appropriation in the fiscal year~~
 10 ~~2007 budget bill, Chapter ____ (House Bill 150) of the Acts of the General Assembly of~~
 11 ~~2006, so as to authorize the transfer of funds from its original purpose to be used only~~
 12 ~~for the following purposes:~~

13 (i) \$18,898,865 to the University System of Maryland; and

14 (ii) \$823,257 to Morgan State University; and

15 ~~(2) the Governor effectuating the transfer of funds specified in~~
 16 ~~subsection (1)(i) and (ii) of this section by approved budget amendment by August 1,~~
 17 ~~2006.~~

18 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding any
 19 other provision of law, for the academic year beginning in the fall of 2006 only, the St.
 20 Mary's College of Maryland Board of Trustees may not approve, and St. Mary's
 21 College of Maryland may not impose, an increase in the tuition charged for the
 22 academic year to a resident undergraduate student more than 4.8% over the amount
 23 charged for tuition at St. Mary's College of Maryland in the preceding 2005-2006
 24 academic year.

25 SECTION 3. AND BE IT FURTHER ENACTED, That:

26 (a) There is a Commission to Develop the Maryland Model for Funding Higher
 27 Education.

28 (b) The Commission consists of the following members:

29 (1) Four members of the Senate of Maryland, appointed by the President
 30 of the Senate;

31 (2) Four members of the House of Delegates, appointed by the Speaker of
 32 the House;

33 (3) The Secretary of Higher Education;

34 (4) The Secretary of Budget and Management;

35 (5) The President of the University of Maryland, College Park, or a
 36 designee of that President;

1 (6) The President of the University of Maryland University College or a
2 designee of that President;

3 (7) The President of the University of Maryland, Baltimore, or a
4 designee of that President;

5 (8) The President of Morgan State University or a designee of that
6 President;

7 (9) The President of Towson University or a designee of that President;

8 (10) The President of The Johns Hopkins University or a designee of that
9 President;

10 (11) The President of the Maryland Independent College and University
11 Association;

12 (12) The Chancellor of the University System of Maryland or a designee of
13 the Chancellor;

14 (13) One community college president, appointed jointly by the President
15 of the Senate and the Speaker of the House;

16 (14) The Executive Director of the Maryland Association of Community
17 Colleges;

18 (15) Four members of the business community, appointed jointly by the
19 President of the Senate and the Speaker of the House, from among the following
20 organizations:

21 (i) The Technology Council of Maryland;

22 (ii) The Maryland Business Roundtable for Education;

23 (iii) The Maryland Chamber of Commerce;

24 (iv) The Greater Washington Board of Trades;

25 (v) The Greater Baltimore Committee; and

26 (vi) The President's Roundtable, Inc.; and

27 (16) Three members of the public, appointed jointly by the President of
28 the Senate and the Speaker of the House, one of whom must have experience in
29 business, finance, or management.

30 (c) The chairman of the Commission shall be appointed jointly by the
31 President of the Senate and the Speaker of the House.

32 (d) The Commission shall review the report issued by Van de Water
33 Consulting, Inc., hired by the Maryland Higher Education Commission to develop an

1 effective statewide framework for higher education funding as recommended in the
2 2004 Maryland State Plan for Postsecondary Education.

3 (e) The Commission shall review options and make recommendations relating
4 to the establishment of a consistent and stable funding mechanism to ensure
5 accessibility and affordability while at the same time promoting policies to achieve
6 national eminence at all of Maryland's public institutions of higher education.

7 (f) The Commission shall report its findings and recommendations to the
8 Governor and, in accordance with § 2-1246 of the State Government Article, to the
9 General Assembly on or before December 31, 2007.

10 (g) The staff for the Commission shall be provided and coordinated by the
11 Department of Legislative Services. The Department of Budget and Management, the
12 Maryland Higher Education Commission, and the University System of Maryland
13 shall also assign staff to assist the Commission.

14 SECTION 4. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall
15 take effect July 1, 2006, and shall remain effective for a period of 1 year and 10
16 months and, at the end of May 1, 2008, with no further action required by the General
17 Assembly, Section 3 of this Act shall be abrogated and of no further force and effect.

18 SECTION ~~3-5~~. AND BE IT FURTHER ENACTED, That, subject to Section ~~2~~ 4
19 of this Act, this Act shall take effect ~~July~~ June 1, 2006.